

The Honorable Jamal N. Whitehead

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

WHITNEY YOUNG and MARY KOKSTIS, a married couple,

## Plaintiffs,

V.

## FUTURE MOTION, INC.,

**Defendant.**

CASE NO. 2:22-cv-01701-JNW

**STIPULATED MOTION TO STAY  
PROCEEDINGS PENDING  
TRANSFER AND COORDINATION  
DECISION BY THE JUDICIAL  
PANEL ON MULTIDISTRICT  
LITIGATION**

**NOTE FOR MOTION CALENDAR:  
September 1, 2023**

Plaintiffs Whitney Young and Mary Kokstis (“Plaintiffs”) and Defendant Future Motion, Inc. (“Defendant”), through their respective undersigned counsel and pursuant to the Court’s inherent authority to manage its docket, hereby jointly move the Court for an Order to stay all proceedings in this action, pending the decision of the Judicial Panel on Multidistrict Litigation (“JPML”) to transfer and coordinate this and other similar actions in a Multidistrict Litigation (“MDL”). The parties stipulate that, if the JPML declines to transfer this case, all deadlines will be extended to begin 14 days after the JPML issues its decision, starting with Plaintiffs’ expert disclosures and Defendant’s responses to Plaintiffs’ Third Interrogatories and Fourth Requests for Production, served upon Defendant August 16 and 21, 2023, respectively.

STIPULATED MOTION TO STAY PROCEEDINGS  
PENDING TRANSFER AND COORDINATION DECISION  
BY THE JUDICIAL PANEL ON MULTIDISTRICT  
LITIGATION - 1  
CASE NO. 2:22-cv-01701-JNW

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1           **1. FACTUAL BACKGROUND**

2           Plaintiffs commenced this action in December 2022 alleging Plaintiff Whitney Young  
 3 sustained personal injuries arising out the operation of a Onewheel electric skateboard (the  
 4 “Onewheel”) made and sold by Defendant, and asserting claims sounding in product liability and  
 5 negligence against Defendant.

6           On or before September 6, 2023, Defendant will file a motion with the JPML, pursuant to  
 7 28 U.S.C. § 1407, to transfer for coordinated proceedings all federal cases, including this one, which  
 8 involve common issues of fact and law involving the Onewheel electric skateboard made and sold  
 9 by Future Motion (hereinafter, the “federal Onewheel-related cases”). Defendant’s motion, which  
 10 Defendant anticipates the JPML will grant given the number of impacted cases, would transfer this  
 11 case from this Court to an MDL.

12           The parties agree a stay of all proceedings in this action pending the determination of the  
 13 motion by the JPML will conserve the parties’ resources and promote judicial economy.

14           **2. STANDARD OF REVIEW**

15           The authority of a federal court to stay proceedings is well-established. See *Landis v. N. Am.*  
 16 *Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent  
 17 in every court to control the disposition of the causes on its docket with economy of time and effort  
 18 for itself, for counsel, and for litigants.”). “Courts frequently grant stays pending a decision by the  
 19 MDL Panel regarding whether to transfer a case.” *Hoskinson-Short v. Capital One Fin. Corp.*, No.  
 20 C19-1218 RSM, 2019 U.S. Dist. LEXIS 152360, at \*3 (W.D. Wash. Sep. 5, 2019) (alteration  
 21 omitted) (quoting *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998)).  
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25           **3. DISCUSSION: THE COURT SHOULD STAY PROCEEDINGS**

26           The parties respectfully ask the Court to stay all proceedings in this case pursuant to its

STIPULATED MOTION TO STAY PROCEEDINGS  
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 BY THE JUDICIAL PANEL ON MULTIDISTRICT  
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1 inherent authority to manage its docket. The JPML will review and decide on Defendant's motion  
2 to transfer this and other federal Onewheel-related cases to an MDL for coordinated proceedings.  
3 Defendant anticipates the JPML will grant its motion, as centralization of the numerous federal  
4 Onewheel-related cases will facilitate coordinated discovery, prevent inconsistent rulings, and  
5 promote the convenience of the parties and the courts. While this motion is pending, the parties do  
6 not wish to expend resources on discovery and other litigation tasks which would be duplicative of  
7 actions to be taken in the MDL.

8         The parties further stipulate and agree that, if the JPML declines to transfer this case, all  
9 deadlines in this case will be extended out to 14 days after the JPML issues its decision.

10           **WHEREFORE**, Plaintiffs Whitney Young and Mary Kokstis and Defendant Future  
11 Motion, Inc., respectfully request that the Court grant the instant Stipulated Motion and stay all  
12 proceedings in this case pending the JPML's decision regarding transfer and coordination of this  
13 and other federal Onewheel-related cases.

14           SO STIPULATED this 1st day of September, 2023.

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41           STIPULATED MOTION TO STAY PROCEEDINGS  
42 PENDING TRANSFER AND COORDINATION DECISION  
43 BY THE JUDICIAL PANEL ON MULTIDISTRICT  
44 LITIGATION - 3  
45 CASE NO. 2:22-cv-01701-JNW

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3 *Attorneys for Defendant*  
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5 **ORDER**  
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7 It is so ordered.  
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9 DATED the 7th day of September, 2023.  
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13 Jamal N. Whitehead  
14 United States District Judge  
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STIPULATED MOTION TO STAY PROCEEDINGS  
PENDING TRANSFER AND COORDINATION DECISION  
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LITIGATION - 4  
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